



DEPARTMENT OF THE ARMY  
BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

January 29, 2013

REPLY TO  
ATTENTION OF:

Regulatory Branch

SUBJECT: File Referral, Department of the Army Enforcement No. 2012-01290

Ms. Peter Swenson, Branch Chief  
U.S. Environmental Protection Agency  
(WW-16J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Dear Mr. Swenson:

This is in reference to the unauthorized discharges of fill into federal jurisdictional wetlands, on property located north of Front Street on Lot No. 4 of Parcel No. 0160664500004000 (ownership by EPG2, LLC - Herbert Roder, Agent) in Erie Township, Ottawa County, Ohio.

The Buffalo District Corps of Engineers determined there are violations of Section 404 of the Clean Water Act at this site, and these filling activities have occurred over multiple recent years. Our findings, based on a site inspection performed on November 20, 2012 and a review of available in-office resources, indicate numerous acres of jurisdictional wetland were filled without proper Department of the Army authorization. This case appears to meet the criteria established under the national MOA between the Corps of Engineers and the U.S. Environmental Protection Agency, as the violation is flagrant.

I am forwarding this file for your action; our entire administrative record is enclosed. Your consideration of this matter is greatly appreciated.

Questions pertaining to this matter should be directed to Joseph Kassler by calling (716) 877-6923, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: [joseph.e.kassler@usace.army.mil](mailto:joseph.e.kassler@usace.army.mil)

Sincerely,

Harold T. Keppner  
Chief, Monitoring & Enforcement Section

Enclosures